

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GAYLE L. BAILEY,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA) Civil Action No. 04-12101-NG
Defendants.)

)

REPORT OF PARTIES' PLANNING MEETING PURSUANT TO FED. R. CIV. P. 26(f) AND
LOCAL RULE 16.1

1. Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, a meeting was held on October 3, 2005 by telephone and was attended by:

- a. Maria Murber, Esq. for the plaintiff;
- b. Jeffrey M. Cohen for the United States.

2. BRIEF DESCRIPTION OF THE CASE

a. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 2671, et. Seq., and this Court has jurisdiction under the provisions of 28 U.S.C. § 1346(b). On March 12, 2002, Bailey was operating a 1999 Nissan Van in a northerly direction at the intersection of High and East Merrimack Streets in Lowell, Massachusetts. At the same time the Defendant, Melissa Parent (hereinafter "Parent"), was operating a 2000 Dodge automobile registration number G10-08021 owned by the United States Navy in an easterly direction on East Merrimack Street in Lowell, Massachusetts. The Bailey vehicle and the Parent vehicle collided at the intersection of High and East Merrimack Streets.

2. PRE-DISCOVERY DISCLOSURES. The parties will complete initial disclosures, pursuant to Rule 26(a)(1), by November 4, 2005.

3. DISCOVERY PLAN. The parties jointly propose to the Court the following discovery plan:

a.. The parties recommend that all fact discovery be completed by June 1, 2006. The parties do not expect any expert discovery at this time, but reserve the right to conduct expert discovery at a later time.

b. The parties agree on a maximum of 25 interrogatories, including all discrete subparts, by each side. Responses due 30 days after service.

c. The parties agree on a maximum of 50 requests for admission by each party. Responses due 30 days after service.

d. The parties agree on a maximum of 5 depositions by each side.

e. The parties agree that each deposition will be limited to a maximum of 7 hours unless extended by agreement of parties or by leave of the Court.

4. OTHER ITEMS.

a. The parties request a pretrial conference in the normal course of scheduling.

b. The parties agree that the deadline for the parties to amend the pleadings shall be February 1, 2006.

c. The parties agree that dispositive motions shall be filed by July 1, 2006. Responses are due by July 31, 2006.

d. The parties do not consent to trial by magistrate.

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5. CERTIFICATIONS

a. The parties will file the appropriate certifications pursuant to Local Rule 16.1(D)(3) separately.

Respectfully submitted,
By Plaintiff's Attorneys,
MARIA MURBER

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

/s/ Maria Murber

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AND, Co-Counsel,
USHA VENKATESH

/s/ Jeffrey M. Cohen

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